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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,476	08/17/2001	Siani Lynne Pearson	B-4279 619006-5	5191

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EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/26/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/932,476

Applicant(s)

PEARSON ET AL.

Examiner

Andrew L. Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/17/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119.

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 are pending. Claims 11-17 have been withdrawn.

Response to Arguments

2. Applicant's arguments filed 10 October 2006 have been fully considered but they are not persuasive.

3. Applicant argues on page 3 that the Feigen reference fails to teach "a trusted device associated with the transaction terminal." Applicant implies that Feigen cannot teach the cited limitation because Feigen's "verification unit" (interpreted as the claimed electronic security device) is remotely located from Feigen's remote unit (interpreted as the claimed transaction terminal). However, the claims as currently presented do not require the claimed electronic security device to be in close proximity to the transaction terminal. The word "associated" can in no way be interpreted to be in close proximity. Associated is a broad term and thus Examiner's interpretation of Feigen's remote terminal being associated with Feigen's verification unit is within the scope of the broadest reasonable interpretation of the claims.

4. Applicant further argues against the combination of Feigen and Deo. Examiner has used the Deo reference to teach allowing financial transaction data to be input into the transaction terminal if the transaction terminal is identified as a trusted terminal. Deo teaches allowing financial transaction data to be input into the transaction terminal

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if the transaction terminal is identified as a trusted terminal (Deo, Figure 8 Item 132, column 10 lines 25-30) (Deo, Figure 8 Item 132, column 10 lines 25-30) by disclosing that the utilization of an ATM for financial transactions can only occur after a smartcard has identified the ATM as a trusted terminal by inspecting the ATM's certificate and validating the certificate. To one of ordinary skill in the art it would have been obvious at the time the invention was made to modify Feigen's integrity verification system with Deo's method of applying integrity verification to financial transaction terminals because it offers the advantage ensuring that sensitive financial information does not fall into the wrong hands (Deo, column 2 lines 26-40).

5. Applicant further argues against the combination of Feigen and Le by arguing that Le teaches methods of two processors sharing a ROM and as a result it is non-analogous and thus without motivation for combination. Examiner notes that Le teaches more than methods of two processors sharing a ROM. It further teaches BIOS verification after the startup of a computer to ensure BIOS integrity (Le, column 8 lines 66-67 and column 9 lines 10-25). This cannot be non-analogous art as the verification of the BIOS after startup is the method of integrity verification of the instant invention (see Specification Page 13 lines 20-30). Feigen teaches integrity checks when a decision is made to verify the integrity (Feigen, column 2 lines 29-31); however, Feigen does not teach that these decided times are when a restart of the terminal has occurred. Examiner has utilized the Le reference to cure this deficiency because Le teaches integrity verification upon restart. One of ordinary skill in the art would be motivated to make the combination because it offers the advantage of providing reduced system

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cost, greater system reliability (Le, column 3 lines 40-45), and assurances that the bios is usable and non-corrupted (Le, column 1 lines 50-57). One of ordinary skill in the art would look to Le because it teaches that a system's BIOS provides essential functions and an integrity check must be taken to prevent system failure (Le, column 1 lines 30-37 and 50-57).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4-5, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al US Patent No. 6,925,566 in view of Le et al US Patent No. 5,794,054 and in further view of Deo et al US Patent No. 5,721,781.

8. With regards to claims 1, 5 and 8, Feigen teaches the interrogating of an electronic transaction terminal with an electronic security device to obtain an integrity metric for the transaction terminal (Feigen, column 2 lines 29-48), determining if the transaction terminal is a trusted terminal based upon the integrity metric (Feigen, column 2 lines 45-49, hash values). Feigen fails to teach the terminal being a financial terminal, allowing data entry based on the verification, and the measurement by a trusted device. However, Deo teaches allowing financial transaction data to be input

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into the transaction terminal if the transaction terminal is identified as a trusted terminal (Deo, Figure 8 Item 132, column 10 lines 25-30) and Le teaches the measuring by a trusted device associated with the transaction terminal after the last restart of the transaction terminal (Le, column 9 lines 1-48, microcontroller as trusted device that measures integrity of the bios following a reset). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Deo's method of trust with financial terminals and Le's method of measuring integrity with Feigen's integrity verification system because it offers the advantage of providing reduced system cost, greater system reliability (Le, column 3 lines 40-45), and assurances that the bios is usable and non-corrupted (Le, column 1 lines 50-57) and ensures that sensitive financial information does not fall into the wrong hands (Deo, column 2 lines 26-40).

9. With regards to claim 2, Feigen as modified teaches the providing of user identification data for the user of the electronic security device to the transaction terminal via the security device to allow authorization of the transaction associated with the financial transaction data (Deo, column 9 lines 24-38).

10. With regards to claim 4, Feigen modified teaches the compartmenting of different types of transactions into different compartments (Deo, column 4 line 63 – column 5 line 4).

11. With regards to claim 10, Feigen modified teaches the device being a wireless trusted personnel device (Deo, column 4 lines 22-35).

12. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al US Patent No. 6,925,566, Deo et al US Patent No. 5,721,781, and Lee et al US Patent No. 5,794,054, as applied to claims 1 and 5 above, in further view of Audebert US Patent No. 6,694,436. Audebert discloses a terminal and system for performing secure electronic transactions.

13. With regards to claims 3 and 6, Deo modified fails to teach the displaying of a user secret if the terminal is identified as a trusted terminal. Audebert teaches the displaying of a user secret if the terminal is identified as a trusted terminal (Audebert, column 25 line 65 – column 26 line 25, password displayed by terminal). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Audebert's method of displaying secrets if a terminal is trusted with Deo's authentication system because it offers the advantage of providing assurance to the user that the terminal module is authentic and safe for use (Audebert, column 26 lines 19-25).

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al US Patent No. 6,925,566, Deo et al US Patent No. 5,721,781, Lee et al US Patent No. 5,794,054, and Audebert US Patent No. 6,694,436, as applied to claim 6 above, and in further view of Hind et al US Patent No. 6,772,331. Hind discloses a method for exclusively pairing wireless devices.

15. With regards to claim 7, Deo as modified fails to teach the deleting of the user secret after completing the transaction. Hind discloses the deleting of the user secret

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after completing the transaction (Hind, column 9 lines 57-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hind's deletion method with Deo as modified because it offers the advantage of increasing security by reducing the likelihood that a secret may be compromised and used for impersonating a user (Hind, column 3 lines 17-32).

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al US Patent No. 6,925,566, Deo et al US Patent No. 5,721,781 and Le e al US Patent No. 5,794,054, as applied to claim 8 above, and in further view of Boerbert US Patent No. 5,272,754. Boerbert discloses a secure computing interface.

17. With regards to claim 9, Deo modified fails to teach a switch for initiating transfer of financial transaction data to the transaction terminal if the terminal is identified as trusted. Boerbert teaches teach a switch for initiating transfer of financial transaction data to the transaction terminal if the terminal is identified as trusted (Boerbert, column 10 line 63 – column 11 line 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Boerbert's method of switching with Deo's authentication system because it offers the advantage of giving assurance that a user is operating the device and instructing transmission to take place instead of malicious software impersonating a user (Boerbert, column 2 lines 10-24).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

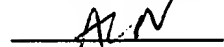
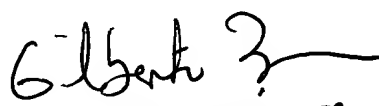
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571 272 3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

A handwritten signature in black ink, appearing to read 'AN', is written over a horizontal line.A handwritten signature in black ink, appearing to read 'Gilberto Barron Jr.', is written above the printed name.

GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100